

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JASON MCLEAN and
BRIAN COLEMAN,

Plaintiffs,

v.

COMMUNICATIONS
CONSTRUCTION GROUP, LLC.,

Defendant.

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Civ. No.: 06-617-SLR

JURY TRIAL DEMANDED

ORDER

At Wilmington this 28th day of March 2007, the parties having satisfied their obligations under Fed. R. Civ. P. 26(f), and the court having conducted a pretrial scheduling conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2 (a) and (b).

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** Defendant has produced the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2. Plaintiff will produce by April 10, 2007 the information required by Fed. R. Civ. P. 26 (a) (1) and D. Del. LR 16.2.

2. **Discovery.**

(a) Discovery will be needed on the following subjects: All the allegations contained in Plaintiffs' Complaint.

(b) All discovery shall be commenced in time to be completed by September 28, 2007.

(c) Maximum of 25 interrogatories by each party to any other party.

(d) Maximum of 25 requests for admission by each party to any other party.

(e) Maximum of 8 depositions by plaintiff and 10 by defendant.

(f) Each deposition limited to a maximum of 4 hours unless extended by agreement of parties, with the exception of the depositions of the Plaintiffs which the parties acknowledge may take the allowed 7 hours.

(g) Reports from retained experts under Rule 26(a)(2) on issues for which any party has the burden of proof due by June 28, 2007. Rebuttal expert reports due by August 28, 2007.

(h) **Discovery Disputes.** Any discovery dispute shall be submitted to the court pursuant to Fed. R. Civ. P. 37. During the course of discovery, each party is limited to **two (2)** Rule 37 motions. The court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

3. **Joinder of other Parties, Amendment of Pleadings, and Class**

Certification. All motions to join other parties, amend the pleadings, and certify a class action shall be filed on or before August 28, 2007.

4. **Settlement Conference.** Pursuant to 28 U.S.C. § 636, this matter is referred to Magistrate Judge Thyng for the purposes of exploring ADR.

5. **Summary Judgment Motions.** All summary judgment motions shall be served and filed with an opening brief on or before November 28, 2007. Briefing shall be pursuant to D. Del. LR 7.1.2. No summary judgment motion may be filed more than **ten (10)** days from the above date without leave of the court.

6. **Applications by Motion.** Any application to the court shall be by written motion filed with the clerk. Unless otherwise requested by the court, counsel shall not

deliver copies of papers or correspondence to chambers. **Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1.**

7. **Motions in Limine.** All motion in limine shall be filed on or before February 25, 2008. All responses to said motions shall be filed on or before March 3, 2008.

8. **Pretrial Conference.** A pretrial conference will be held on March 10, 2008 at 4:30 p.m. in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D. Del. 16.4 shall govern the pretrial conference.

9. **Trial.** This matter is scheduled for a three day jury trial commencing on March 31, 2008 in courtroom B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. For purposes of completing pretrial preparations, the parties should plan on being allocated a total number of hours in which to present their respective cases.

United States District Judge Sue L. Robinson